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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE
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8 SIXTY-01 ASSOCIATION OF APARTMENT
9 OWNERS,

10 Plaintiff(s),

11 v.

12 SCOTTSDALE INSURANCE CO.,
13 Defendant(s).

14 NO. C04-2336

15 ORDER ON DEFENDANT'S
16 MOTION TO STRIKE PLAINTIFF'S
17 PURPORTED "COVERAGE"
18 EXPERT DAVID J. GADBOIS

19 This matter comes before the Court on Defendant's Motion to Strike Plaintiff's Purported
20 "Coverage" Expert David J. Gadbois (Dkt. No. 23). Having reviewed Defendant's Motion, Plaintiff's
21 Response and all other pertinent papers and documents related to this Motion, the Court GRANTS
22 this motion without prejudice to Plaintiff.

23 Plaintiff has put forth an insurance claim-handling expert to give an opinion in this matter as to
24 whether or not there was coverage under the relevant insurance policy. Normally, the question of
25 insurance coverage depends upon contract interpretation, which is a matter of law for the Court.
26 Being mindful of this reality, Plaintiffs may bring a motion to have the Court allow the testimony of
27 Mr. Gadbois if they are able to identify a judicial opinion supporting the notion that expert testimony
28 of this nature would be of assistance to the jury.

29 The clerk is directed to send copies of this order to all counsel of record.

30 Dated: November 2nd, 2005



31 Marsha J. Pechman
32 United States District Judge

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34 ORD ON MTN TO CONT - 1